

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:

John Michael Jensen

Serial No. 09/776,498

Filed: February 5, 2001

For: **METHOD AND SYSTEM TO
FACILITATE FEE BASED
COMMUNICATION**

Examiner: Naresh Vig

Art Unit: 3629

Mail Stop Petitions
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

PETITION TO REVIVE
RULE 1.137(a) and (b)

Sir:

Applicant hereby petitions to revive the above-identified application on the grounds of unavoidable delay.

In particular, a final Office Action was mailed April 20, 2007 setting a three-month shortened statutory period for reply. Within two months of the Office Action mailing date, i.e., on June 6, 2007, Applicant filed electronically a response to the final Office Action.

On February 11, 2008, an Advisory Action was mailed, acknowledging receipt of the reply on June 6, 2007, checking box 1(b) indicating that the period for reply expires on the mailing date of the Advisory Action but also noting that in no event will the statutory period for reply expire later than six months from the mailing date of the final rejection.

However, since the Advisory Action was not mailed until after the six-month statutory period, Applicant was prevented from taking further action since it could not be determined what action was appropriate until receipt of the Advisory Action.

Accordingly, Applicant submits that the application was abandoned on the grounds of unavoidable delay since Applicant timely filed a response to the final Office Action within two months from the mailing date of the final Office Action, but did not receive an Advisory Action until after the statutory period.

Alternatively, Applicant hereby petitions to revive the subject application on the grounds of unintentional delay pursuant to Rule 1.137(b). In particular, the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition pursuant to Rule 1.137(b) was unintentional.

Submitted herewith is the required reply in the nature of a request for continued examination.

Please charge any required fees to Deposit Account 02-2666. Additionally, Applicant hereby requests refund of any Petition fee such charged since this Petition was required solely due to Office error in view of the delayed issuance of the Advisory Action.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated:

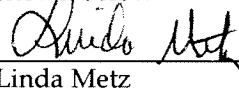
2/26/08

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I hereby certify that this correspondence is being
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 2/26/08
Linda Metz February 26, 2008